

AMENDED IN ASSEMBLY FEBRUARY 18, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1436

Introduced by Assembly Member Waldron
(Principal coauthor: Assembly Member Atkins)
(Coauthors: Assembly Members Chávez, Jones, and Maienschein
(Coauthors: Senators Block and Vidak)

January 6, 2014

An act to amend Section 1569.33 of the Health and Safety Code, relating to community care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1436, as amended, Waldron. Community care facilities.

Existing law, the California Residential Care Facilities for the Elderly Act, provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services. Existing law requires that every residential care facility for the elderly be subject to unannounced visits by the department, that reports on the results of each inspection, evaluation, or consultation shall be kept on file by the department, and that all inspection reports, consultation reports, lists of deficiencies, and plans of correction shall be open to the public.

This bill would require the department to post, on the department's Internet Web site, all inspection reports, consultation reports, lists of deficiencies, and plans of correction. This bill would also require the department to post a licensee's appeal, if any, and if the department dismisses a notice of deficiency that deficiency shall be removed from the department's Internet Web site or otherwise indicate that the deficiency has been dismissed.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1569.33 of the Health and Safety Code
2 is amended to read:
3 1569.33. (a) Every licensed residential care facility for the
4 elderly shall be subject to unannounced visits by the department.
5 The department shall visit these facilities as often as necessary to
6 ensure the quality of care provided.
7 (b) The department shall conduct an annual unannounced visit
8 of a facility under any of the following circumstances:
9 (1) When a license is on probation.
10 (2) When the terms of agreement in a facility compliance plan
11 require an annual evaluation.
12 (3) When an accusation against a licensee is pending.
13 (4) When a facility requires an annual visit as a condition of
14 receiving federal financial participation.
15 (5) In order to verify that a person who has been ordered out of
16 the facility for the elderly by the department is no longer at the
17 facility.
18 (c) (1) The department shall conduct annual unannounced visits
19 to no less than 20 percent of facilities not subject to an evaluation
20 under subdivision (b). These unannounced visits shall be conducted
21 based on a random sampling methodology developed by the
22 department.
23 (2) If the total citations issued by the department exceed the
24 previous year's total by 10 percent, the following year the
25 department shall increase the random sample by 10 percent of the
26 facilities not subject to an evaluation under subdivision (b). The
27 department may request additional resources to increase the random
28 sample by 10 percent.
29 (d) Under no circumstance shall the department visit a residential
30 care facility for the elderly less often than once every five years.
31 (e) The department shall notify the residential care facility for
32 the elderly in writing of all deficiencies in its compliance with the
33 provisions of this chapter and the rules and regulations adopted
34 pursuant to this chapter, and shall set a reasonable length of time
35 for compliance by the facility.

1 (f) Reports on the results of each inspection, evaluation, or
2 consultation shall be kept on file in the department, and all
3 inspection reports, consultation reports, lists of deficiencies, and
4 plans of correction shall be open to public inspection and posted
5 on the department's Internet Web site. The Internet Web site
6 posting shall include the licensee's appeal, if any, pursuant to
7 Section 87763 of Title 22 of the California Code of Regulations.
8 If upon appeal the department dismisses a notice of deficiency,
9 that deficiency shall be immediately removed from the Internet
10 Web site posting or otherwise indicate that the deficiency has been
11 dismissed.
12 (g) As a part of the department's evaluation process, the
13 department shall review the plan of operation, training logs, and
14 marketing materials of ~~any~~ a residential care facility for the elderly
15 that advertises or promotes special care, special programming, or
16 a special environment for persons with dementia to monitor
17 compliance with Sections 1569.626 and 1569.627.